

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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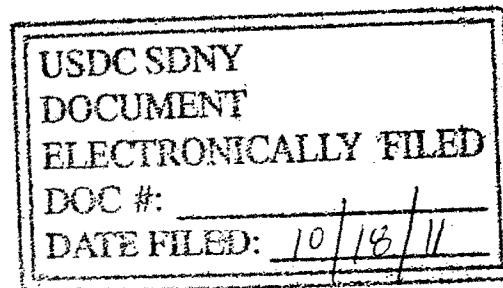
UNITED STATES OF AMERICA

-v.-

STEPHEN CAPUTO,

Defendant.

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ORDER OF FORFEITURE

09 Cr. 523 (DAB)

WHEREAS, on or about May 29, 2009, STEPHEN CAPUTO (the "defendant"), among others, was charged in a fifteen-count Indictment 09 Cr. 523 (DAB) (the "Indictment") with conspiring to commit bank and wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Counts Three, Six, Nine, Eleven and Twelve);

WHEREAS, the Indictment included a forfeiture allegation seeking forfeiture, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982 and 28 U.S.C. § 2461, any property constituting or derived from proceeds obtained directly or indirectly as a result of the offenses alleged in the Indictment, including but not limited to at least \$10,000,000 in United States currency, in that such sum in aggregate is property representing the approximate amount of proceeds obtained as a result of the bank and wire fraud offenses, for which the defendants are jointly and severally liable;

WHEREAS, on or about January 4, 2010, the defendant pled guilty to Counts One, Three, Six, Nine, Eleven and Twelve of the Indictment and admitted the forfeiture allegation, pursuant to a plea agreement with the Government, wherein the defendant agreed to forfeit a sum of money equal to \$50,000.00 in United States currency, representing the amount of proceeds the defendant obtained as a result of the offenses charged in Counts One, Three, Six, Nine, Eleven and Twelve;

WHEREAS, on October 17, 2011, the defendant was sentenced and ordered to forfeit \$50,000.00 in United States currency, representing the amount of proceeds obtained as a result of the offenses charged in Counts One, Three, Six, Nine, Eleven and Twelve of the Indictment;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One, Three, Six, Nine, Eleven and Twelve of the Indictment, for which the defendant pled guilty, a money judgment in the amount of \$50,000.00 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture, this Order is final as to the defendant, STEPHEN CAPUTO, and

shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Upon execution of this Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

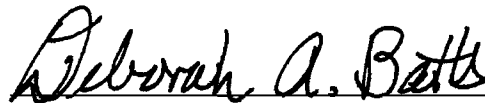
5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, Chief of the Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York  
October 17, 2011

SO ORDERED:

A handwritten signature in black ink, reading "Deborah A. Batts", is written over a horizontal line.

HONORABLE DEBORAH A. BATTS  
UNITED STATES DISTRICT JUDGE